

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6309-CR-SEITZ/GARBER(S)

UNITED STATES OF AMERICA,  
Plaintiff,

v.

CHARLES CLAY,  
Defendant.

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GOVERNMENT'S RESPONSE IN OPPOSITION TO  
DEFENDANT'S OMNIBUS MOTION FOR DISCOVERY

The United States of America, through its undersigned attorneys, respectfully answers defendant's Omnibus Motion for Discovery as follows:

1. The government has provided defendant with notice of its intention of offering evidence pursuant to Rule 404 (b) of the Federal Rules of Evidence, which states that "... the prosecution in a criminal case shall provide reasonable notice in advance of trial, ... of the general nature of any such evidence it intends to introduce at trial" (Emphasis added). Moreover, Paragraph H of the Standing Discovery Order requires "the Government to advise the defendant of its intention to introduce during its case in chief proof of evidence, pursuant to Rule 404(b), Federal Rules of Evidence." In this case, the defendant has been informed of the

fact that the defendant had protected a narcotic organization through his position as a police officer for the City of Margate. Additionally, the defendant was informed that the evidence will demonstrate that the organization was operated by a person named Kleber and the defendant received \$15,000 for this corrupt service, which occurred in approximately 1987. The government submits that this disclosure is sufficient at this juncture.

2. The government has provided the defendant with copies of FBI interviews of the defendant prior to indictment and at the time of arrest.

3. The government will continue to fulfill its duty as required under Brady v. Maryland, 373 U.S. 83 (1963), the Standing Discovery Order and Rule 16 of the Federal Rules of Criminal Procedure. However, defendant's request for names and statements of coconspirators who have no knowledge of defendant's role in this vast organization is not discoverable under Brady and its progeny. In any event, as defendant Clay is fully aware through discovery and the electronic surveillance conducted in this case, defendants John Mamone and Fred Scarola are fully knowledgeable of defendant's furnishing protection to an illegal gambling business.

4. The defendant has also requested that the government ask its witnesses whether they would consent to an interview by the defendant. If the defendant would identify the witnesses, the

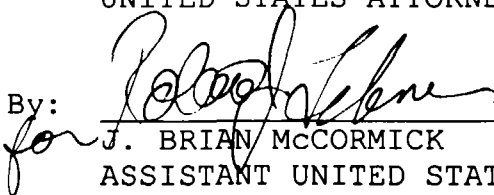
government will make that request. Otherwise, the government opposes this general request without further information.

Wherefore, for the reasons set forth above, the government respectfully requests that defendant's Omnibus Motion for Discovery be denied.

Respectfully submitted,

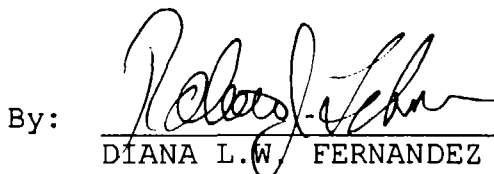
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CERTIFICATE OF SERVICE

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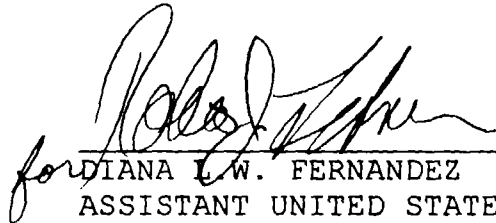
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